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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,523	01/22/2002	George M. White	M-7199-4D US	5053

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EXAMINER

LERNER, MARTIN

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 09/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,523

Applicant(s)

WHITE ET AL.

Examiner

Martin Lerner

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39 to 58 is/are pending in the application.
- 4a) Of the above claim(s) 39 to 45 and 50 to 58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46 and 47 is/are rejected.
- 7) ☒ Claim(s) 48 and 49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicants' election without traverse of Group II, Claims 46 to 49 in Paper No. 5 is acknowledged.
2. Claims 39 to 45 and 50 to 58 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.
3. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

4. The disclosure is objected to because of the following informalities:

On page 2, the serial number corresponding to Attorney Docket No. M-7199-3D US should be entered as – U.S. Patent Application Serial No. 10/056,461 – .

On page 2, the status of U.S. Patent Application Serial No. 09/290,508 should be updated as – now U.S. Patent No. 6,408,272 issued 18 June 2002 – .

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 47 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 47 recites the limitation "the buffered speech input". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Jacobs et al.* in view of *Joost*.

Regarding independent claim 46, *Jacobs et al.* discloses a distributed voice recognition system, comprising:

"a transceiver for communicating with a local device, the transceiver operable to receive speech input issued by a user at the local device, the local device operable to perform a first level of speech recognition on the speech input" – handset 100 includes local voice recognition which recognizes special voiced commands locally from a

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relatively small vocabulary (column 8, line 28 to column 9, line 20: Figure 5); central communications center 42 receives features at antenna 44 which are provided to receiver 46 for receiving words or command signals from portable phone 40, and provides an action signal to transmitter 50, which transmits the estimated words or a command signal to portable phone 40 (column 5, lines 44 to 65: Figure 2);

“a processing facility coupled to the transceiver [and having a plurality of physically distributed processing units], the processing facility operable to perform a second level of speech recognition on the speech input” – base station 110 includes remote voice recognition which recognizes regular voiced commands remotely from a larger vocabulary (column 8, line 28 to column 9, line 20: Figure 5).

The only element not expressly disclosed by *Jacobs et al.* is a central communication center (“the processing facility”) has “a plurality of physically distributed processing units”. In general, it is well known that a base station is linked to a plurality of other base stations and central communications facilities in an overall telephone network architecture. Also, it is known to distribute speech recognition over a plurality of servers for the purpose of providing specialized information services. Specifically, *Joost* teaches a distributed speech processing system where a plurality of user stations 24, 26, 28, 30, 32, 34 share a plurality of speech recognition stations 36, 38, 40 and speech understanding subsystems 42, 44, 46. (Column 1, Line 53 to Column 2, Line 38: Figure 1) *Joost* says this distributed speech processing system improves overall processing so that computer-intensive tasks are allocated on a dynamic basis to an instantaneously best-suited facility, thereby optimizing local workload and throughput.

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(Column 1, Lines 20 to 30) It would have been obvious to one of ordinary skill in the art to include a central communication center having "a plurality of physically distributed processing units" as taught by *Joost* in the distributed voice recognition system of *Jacobs et al.* for the purpose of improving overall processing by dynamic allocation of tasks.

Regarding claim 47, *Jacobs et al.* includes a remote word decoder for recognizing words of the speech input (column 5, lines 44 to 56; column 9, lines 7 to 20: Figures 2 and 5); implicitly, received speech features are "buffered" during processing.

Allowable Subject Matter

9. Claims 48 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not suggest a first speech generation engine at a local device and a second speech generation engine at the remote network in combination with the other claimed features. Although it is known to include a speech generation engine in a network providing information services, the prior art does not suggest separate first and second speech generation engines at a local device and a remote network, respectively.

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Conclusion

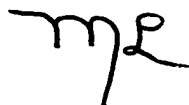
11. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

White et al., Barclay et al., Porter, Balakrishnan, Kikinis, and Rhie et al. disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (703) 308-9064. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Marsha D Banks-Harold
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SUPERVISORY PATENT EXAMINER
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ml
September 10, 2002